

**Jury Committee
Judicial Conference of Indiana**

July 13, 2007
Minutes

1. Members present. The following Committee members were present: Christopher Burnham, Sheila Carlisle, George Hopkins, Michael Peyton, Kenneth Scheibenberger, and William Hughes, Chair.
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the Committee with staff assistance.
3. Approval of minutes. The Committee approved the minutes from the January 2007 meeting.
4. Report from Board of Directors Meeting. Judge Hughes reported that the proposed amendment to Jury Rule 20 concerning participation by alternates passed with one dissenting vote and will be presented to the Supreme Court for consideration.

Judge Hughes also reported that during the discussion on the rule amendment, the Board considered the variety of ways alternates are selected and notified of their status and asked to the Committee to discuss whether more standardization was needed in this area. The Committee discussed the various methods and the potential benefits from each method as well as Trial Rule 47(B). The Committee did agree that clarifying a standard procedure would be helpful to courts and parties. The Committee decided to survey the judges to get their input these issues and requested staff to prepare a draft for the Committee to review.

5. Jury Pool & JMS updates. Michelle provided an update on these two projects. The Jury Pool project distributed an updated list this spring and many counties have received the updated information. The project team is continuing to refine the merge process and is preparing for the fall release. The JMS program is being finalized so that pilot counties can begin using the system this fall. There have been 8-10 counties that have expressed interest in participating.

The Committee also discussed the statute setting the timing for drawing names for jury service which specifies drawing in the last quarter of the year and whether that statute needed to be amended to state that the drawing of names occurs at least once a year without specifying the time of year. After discussing the current practice of courts and the challenges associated with proposing such legislation, the Committee unanimously decided not to amend this statute and to continue to study the issue.

6. Jury Orientation video. The Committee discussed possible revisions to the standard jury orientation video. The Committee first discussed the issue of closed captioning and concluded that it would be a helpful feature. The Committee decided to review the issue further after the proposed cost is received from the production company. Next, the Committee discussed the section describing raising questions with the bailiff. In addition to discussing this as a part of staff training, the Committee decided that if the narrator

was not needed for other revisions, then the sentence “Have any questions about courtroom procedures? Ask the bailiff.” would be deleted. This issue would then need to be placed in the minimum orientation standards. If the narrator would be needed, then “Ask the bailiff” would be deleted and insert “write the question down and give it to the bailiff who will deliver it to the judge.” Finally, the Committee discussed the deliberation section and the proposal to insert “try to” reach a unanimous verdict. After discussion on this point, the Committee did not recommend a change to this section.

7. Education session at Annual Meeting. Judge Hughes reviewed the topics proposed for the jury session at the Annual Meeting in September. The Committee also suggested addressing confidentiality issues and media contact with jurors.
8. Jury Rule 10/Administrative Rule 9. The Committee discussed the issues of juror privacy and concerns raised regarding the information courts have been providing to attorneys of record and parties under the rules. The Committee also discussed the potential concerns raised when pro se litigants are involved in jury trials. The Committee request staff to draft a frequently asked question to outline the need for equal access for attorneys of record and parties with an emphasis on the restrictions of re-disclosure due to the confidential nature of the information. The Committee also discussed issues involving post-trial contact with jurors by the attorneys and media and decided it would be helpful to develop information for the courts to use in addressing these concerns also.
9. Next Committee project. The Committee reviewed the list of potential projects and determined that preparing a benchbook on jury management would be most helpful. The book could be used to assist judges and new staff who are responsible for assisting the court with jury management functions.
10. Other business. The Committee received several news articles and cases relating to jury service. The Committee also received the summary of the NCSC Compendium on jury procedures and policies and Indiana’s comparison to the national information. The Committee also reviewed the three main pieces to HB 1287, which was effective on July 1st.
11. Next meeting date. The next meeting is scheduled for Friday, October 19, 2007 at 10 a.m. (Indianapolis time) at the Judicial Center.

Respectfully submitted,

Michelle C. Goodman
Staff Attorney